

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**IN RE: Civil Action No. MDL 2327
ETHICON, INC., PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

**Master File No. 2:12-MD-02327
Southern District of West Virginia
Charleston Division**

**SECANT'S MOTION TO STAY ENFORCEMENT OF PLAINTIFFS' SUBPOENA
PENDING A DETERMINATION OF THE APPLICABILITY OF THE BAAA TO
SECANT**

The defendants, Secant Medical, Inc., for itself and as successor by merger to Secant Medical LLC and Prodesco, Inc., (collectively "Secant" or "Secant Defendants"), by and through their undersigned counsel, respectfully move this Court to stay the enforcement of Plaintiffs' Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action served upon Secant pursuant to F.R.C.P. 45(c), pending a determination of the applicability of the Biomaterials Access Assurance Act of 1998 ("BAAA"), 21 U.S.C. §§ 1601-06, to Secant. The bases for this Motion are set forth in Secant's accompanying Memorandum of Law, which is incorporated herein by reference.

TUCKER LAW GROUP, LLC

Dated: October 28, 2013

/s/ V. Amanda Witts
Joe H. Tucker, Jr., Esquire
V. Amanda Witts, Esquire
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1700
Philadelphia, PA 19103
Attorneys for Secant Medical Inc., Secant Medical
LLC and Prodesco, Inc.

CERTIFICATE OF SERVICE

I, V. Amanda Witts, Esquire, hereby certify that on October 28, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

TUCKER LAW GROUP, LLC

Dated: October 28, 2013

/s/ V. Amanda Witts

V. Amanda Witts, Esquire

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**IN RE: Civil Action No. MDL 2327
ETHICON, INC., PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

**Master File No. 2:12-MD-02327
Southern District of West Virginia
Charleston Division**

ORDER

AND NOW this ____ day of _____ 2013, upon consideration of Secant Medical, Inc., Secant Medical LLC and Prodesco, Inc.'s Motion to Stay Enforcement of Subpoena Pending a Determination of the Applicability of the BAAA to Secant Medical Inc., Secant Medical LLC and Prodesco, Inc., and any response thereto, it is hereby **ORDERED** and **DECREED** that Secant's Motion to Stay is **GRANTED**. Secant is relieved of its obligations to respond to Plaintiffs' subpoena until this Court rules upon the applicability of the BAAA.

J.